1	DAVID L. ANDERSON (CABN 149604) United States Attorney	
2 3	HALLIE HOFFMAN (CABN 210020) Chief, Criminal Division	
4	CLAUDIA A. QUIROZ (CABN 254419)	
5	ANDREW F. DAWSON (CABN 264421) CHRIS KALTSAS (NYBN 5460902) Assistant United States Attempted	
6	Assistant United States Attorneys	
7	450 Golden Gate Avenue, Box 36055 San Francisco, California 94102-3495	
8	Telephone: (415) 436-7200 FAX: (415) 436-6753	
9	claudia.quiroz@usdoj.gov	
10	Attorneys for the United States of America	
11	UNITED STATES DISTRICT COURT	
12	NORTHERN DISTRICT OF CALIFORNIA	
13	SAN FRANCISCO DIVISION	
14		
15	UNITED STATES OF AMERICA,	Case No. CR 15-0234 CRB
16	Plaintiff,	UNITED STATES' MOTION TO DISMISS
17	v.	 COUNTS TWO AND THREE, AND THE BANK FRAUD OBJECT IN COUNT FOUR, OF THE INDICTMENT, SUPERSEDING INDICTMENT, AND SECOND SUPERSEDING INDICTMENT;
18	DAVID MILLER,	
19		[PROPOSED] ORDER
20	Defendant.	
21		
22		
23		
24		
25		
26		
27		
28	UNITED STATES' MOTION TO DISMISS COUNTS TWO, THREE, AND THE BANK FRAUD OBJECT IN COUNT FOUR OF THE INDICTMENT, SUPERSEDING INDICTMENT, AND SECOND SUPERSEDING INDICTMENT; PROPOSED ORDER CR 15-0234 CRB	

The United States of America hereby submits this request for leave from the Court to dismiss 1 2 certain counts against Defendant David Miller pursuant to Federal Rule of Criminal Procedure 48(a). 3 Specifically, the United States Attorney for the Northern District of California moves to dismiss Counts Two and Three, as well as the bank object of the conspiracy described in Count Four, of the 4 5 Indictment (Dkt. No. 1), Superseding Indictment (Dkt. No. 163), and Second Superseding Indictment 6 (Dkt. No. 502) as to David Miller only, without prejudice. All other Counts as to defendant Miller shall remain in effect. 7 8 9 DATED: June 10, 2020 Respectfully submitted, DAVID L. ANDERSON 10 **United States Attorney** 11 12 13 /s/ Hallie Hoffman HALLIE HOFFMAN 14 Chief, Criminal Division 15 16 17 18 19 20 21 22 23 24 25 26 27

28

[PROPOSED] ORDER Based upon the motion of the United States, IT IS HEREBY ORDERED that leave is granted to the government to dismiss Counts Two and Three, and the bank fraud object described in Count Four, of the Indictment (Dkt. No. 1), Superseding Indictment (Dkt. No 163), and Second Superseding Indictment (Dkt. No. 502) against defendant David Miller. All other Counts against Defendant David Miller shall remain in full effect. DATED: June ___, 2020 HONORABLE CHARLES R. BREYER United States District Judge

UNITED STATES' MOTION TO DISMISS COUNTS TWO, THREE, AND THE BANK FRAUD OBJECT IN COUNT FOUR OF THE INDICTMENT, SUPERSEDING INDICTMENT, AND SECOND SUPERSEDING INDICTMENT; PROPOSED ORDER

CR 15-0234 CRB